



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

Docket Number FRA-2013-0118

In accordance with 49 CFR part 211 this document provides the public notice that by a document dated January 17, 2013, Railserve, Inc. (RASX) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses. FRA assigned the petition Docket Number FRA-2013-0118.

RASX of Atlanta, GA, petitioned for a waiver of compliance for one locomotive from the requirements of 49 CFR 223.11, *Requirements for existing locomotives*, which requires certified glazing in all windows. The reporting mark on this locomotive is RASX 2580. This locomotive is used in switching operations inside the Cargill Plant in Memphis, TN. The switching operations involved interchange with Norfolk Southern Railway for inbound and outbound cars on railroad general system trackage that is less than one-quarter of a mile long. RASX stated that there is no history of vandalism at the Cargill Plant in Memphis, TN. The top speed of operations is 5 mph. RASX also stated that installing glass that meets FRA specifications would be cost prohibitive.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the

U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue, S.E., W12-140, Washington, D.C. 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., W12-140, Washington, D.C. 20590.
- Hand Delivery: 1200 New Jersey Avenue, S.E., Room W12-140, Washington, D.C. 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and

comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Robert C. Lauby
Associate Administrator for Railroad Safety
Chief Safety Officer

[FR Doc. 2014-00951 Filed 01/17/2014 at 8:45 am; Publication Date: 01/21/2014]